SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

NUMBER: 26171N DATE: January 28, 2005
RESPONSE REQUIRED BY: February 25, 2005

PERMIT MANAGER: Philip A Shannin PHONE: 415-977-8445 Email: Philip.A.Shannin@usace.army.mil

1. **INTRODUCTION:** Margaret Orr, City of Petaluma, Department of Water Resources and Conservation, 11 English Street, Petaluma, California 94952, has applied for a U.S. Army, Corps of Engineers (Corps) permit to construct new wastewater treatment facilities, capable of producing tertiary treated recycled water, at the existing oxidation pond site, located at 4440 Lakeville Highway, in the City of Petaluma, Sonoma County, California (Figure 1). This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).

2. **PROPOSED PROJECT:**

Project Site: The project will be located at 4440 Lakeville Highway, in the City of Petaluma, Sonoma County, California. The project area totals 514 acres, divided in two sections by Ellis Creek, with the existing oxidation pond facilities (pond site) located east of the creek and the agricultural fields (parcels A and B) located west of the creek (Figures 2 and 3). A business park is to the west of the fields, Lakeville Highway is to the north, and marshes of the Petaluma River are to the south of the fields and ponds. Land uses, in the general vicinity of the site, are predominantly agricultural, including both crops and grazing. Residential uses are typically associated with the agricultural operations.

The pond site contains 10 man made treatment ponds and two pump stations. This site is bordered by a row of eucalyptus trees and Ellis Creek to the west. Poplar and cottonwood are also on this site.

Ellis Creek is classified as a water of the U.S. with a distinct top-of-bank and riparian woodland fringe. The lower reach of Ellis Creek is an excavated channel designed for flood control. Most of the channel is open water, but some small segments were designated as freshwater wetland, due to the presence of hydrophytic vegetation. To the south, the Petaluma River/San Pablo Bay wetlands form a sinuous wetland edge. These are tidally influenced wetlands to about the five-foot contour line, then freshwater wetlands to the seven foot contour line.

There are approximately 198 acres of wetlands present on the project site (Figure 3). Parcel B contains a large area of tidally influenced salt marsh dominated by saltgrass, alkali heath, and pickleweed. The breaching of agricultural levees, along the Petaluma River, has restored the historic water flow, to this wetland.

There is a drainage classified as a canal (Canal C) with freshwater marsh vegetation that carries drainages from two culverts under Lakeville Highway and proceeds between the existing oxidation ponds to a holding pond at the southwest end of the oxidation pond site. When the pond fills up, it overtops the berm and flows out to the Petaluma River. Canal C is dredged regularly to remove vegetation and provide adequate drainage through the oxidation pond site. This dredging currently has minor impacts to wetland habitat.

Parcel A, which has been farmed for over 50 years, contains several narrow agricultural ditches. These narrow, poorly maintained ditches possess all three of the mandatory wetland indicators. In addition, the majority of the upper half of Parcel A contains numerous topographic micro-depressions. Although highly degraded, these depressions provide enough hydrology for the development of seasonal wetlands.

Project Description: As shown in the attached drawings, the applicant plans to construct new wastewater treatment facilities, capable of producing tertiary treated recycled water. The project includes a combination of biological and physical processes to remove organic material and pollutants from wastewater (see Figure 4).

The proposed treatment process uses extended aeration and oxidation ponds. Since algae are generated in the oxidation ponds, the system also includes algae removal, provided by a wetlands treatment system, within the oxidation pond site.

Thirty acres (wetted area) of polishing wetlands will be constructed to further treat effluent from the oxidation ponds and treatment wetlands. The polishing wetlands will reduce metals, organics and nutrients prior to discharge. Water to the polishing wetlands will meet disinfected, secondary effluent standards. The wetland berms will be open to the public for use as trails. These new fresh water wetlands will include islands for nesting birds.

Purpose and Need: The purpose of this project is to develop an economically and ecologically sustainable water recycling facility to acommodate growth and development, anticipated by Petaluma's General Plan, and Sonoma County's General Plan for the unincorporated community of Penngrove. The buildout population for Petaluma and Penngrove is estimated to be 70,650, a population which cannot be sustained with current facilities. The new water recycling facility will replace the existing Hopper Street facility (initially constructed in 1938), which is operating at or near the end of its useful life and capacity.

Impact: The project will result in the placement of permanent fill (structures, pipelines, and polishing wetlands) into 2.88 acres of Corps jurisdictional wetlands (Figure 5). Construction and access will result in an additional 4.24 acres of temporary disturbance to wetlands. Up to 0.12 acres of waters of the U.S. (North Crossing of Ellis Creek and South Crossing of Ellis Creek) will be temporarily impacted by project pipe installations. All temporarily impacted areas will be restored to pre-project conditions after construction.

Mitigation: The applicant has proposed to create 3.12 acres of seasonal wetlands to compensate for impacts to aquatic resources, which could not be avoided (Figures EV-1 and EV-2). In addition, 1.7 acres of low function farmed wetlands, adjacent to the proposed mitigation wetlands, will be enhanced. Farming will be discontinued on these acres. The enhanced wetland area will be regraded, to match the mitigation wetlands, and replanted with native vegetation. The thirty acres of polishing wetlands created on site are not considered to be part of the mitigation, although they will likely add to the site's total wetland functions and values.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations, 40 C.F.R. Part 1500-1508, and Corps' Regulations, 33 C.F.R. Part230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and

cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. Species and critical habitat currently identified as potentially impacted by the proposed project include salt marsh harvest mouse (*Reithrodontomys raviventris*), California clapper rail (*Rallus longirostris obsoletus*), and California red-legged frog (*Rana aurora draytonii*).

Although Ellis Creek is a tributary to the Petaluma River, its high water temperature prevents its use as steelhead (*Oncorhynchus mykiss irideus*) and Chinook salmon (*O. tshawytscha*) breeding habitat. A portion of Ellis Creek upstream of the project may provide breeding habitat, however surveys for steelhead and Chinook in this section in 2000 and 2001 were negative. Therefore, the Corps has determined that this project will have no effect on steelhead and Chinook salmon.

Magnuson-Stevens Fisheries Conservation and Management Act: NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. No specific EFH concerns are associated with this proposal. Coordination with the NMFS in regard to EFH will be initiated concurrently with the ESA consultation, if necessary.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Region Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). The applicant has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the guidelines. The applicant states that there are no practicable alternative for his project. An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water or wetland dependent.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project will comply with the State's Coastal Zone

Management Program, if applicable. No Corps permit will be issued until the State has concurred with the applicant's certification.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, historic and archeological resources are known to occur in the project vicinity. One prehistoric archeological site is present within an existing oxidation pond. Seven more acheological sites are known to exist within one mile of the project site. A historic house and outbuildings, circa 1906, are present on parcel A. Parcel B contains two historic structures, a railroad grade with associated livestock ramp and a radar facility, used during World War II. The State Water Resources Board, on behalf of the Environmental Protection Agency (EPA is providing funds for this project), shall complete consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act. The Corps will receive copies of all information concerning the consultation process.

4. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. **CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. **SUBMISSION OF COMMENTS:** Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Philip A Shannin of our office at telephone 415-977-

8445 or E-mail: pshannin@spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided upon request.

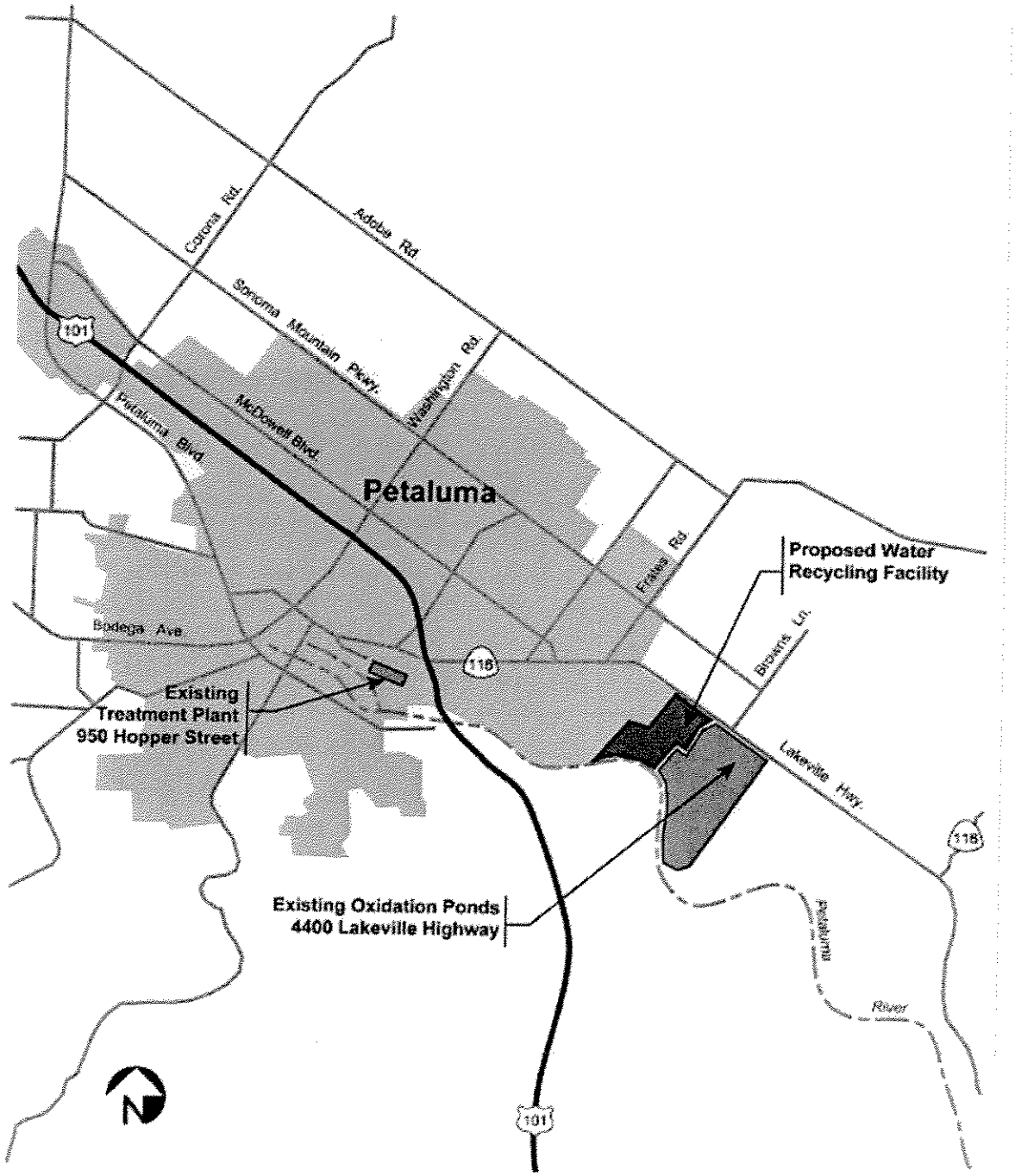

Figure 1
LOCATION MAP
WATER RECYCLING FACILITY
CITY OF PETALUMA

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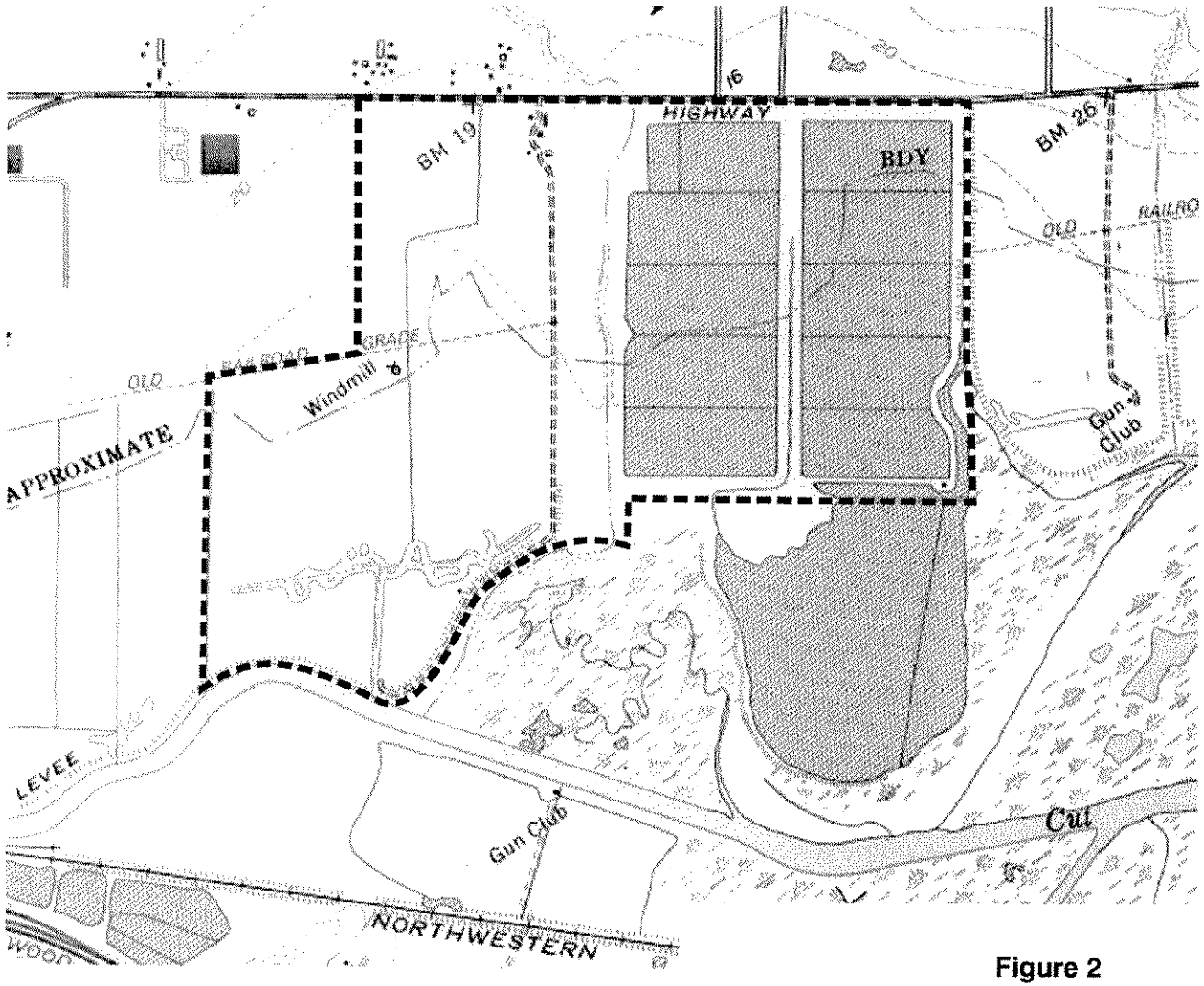

LEGEND

Project Boundaries

Figure 2
U.S. GEOLOGIC SURVEY TOPOGRAPHIC MAP
PETALUMA RIVER QUADRANGLE, 1980
WATER RECYCLING FACILITY
CITY OF PETALUMA

Pet1104f2-6069.cdr

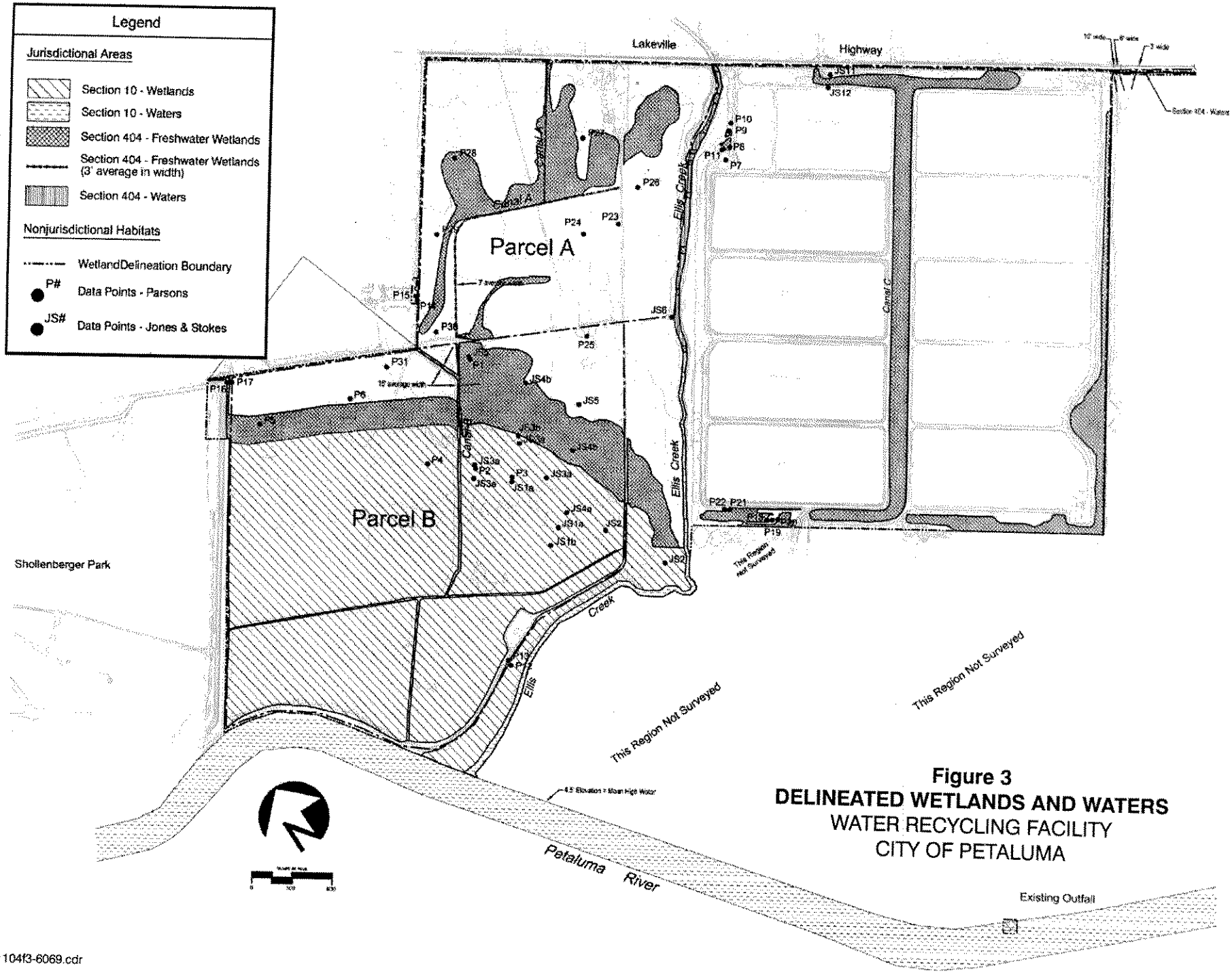

Figure 3
DELINEATED WETLANDS AND WATERS
WATER RECYCLING FACILITY
CITY OF PETALUMA

Pet1104f3-6069.cdr

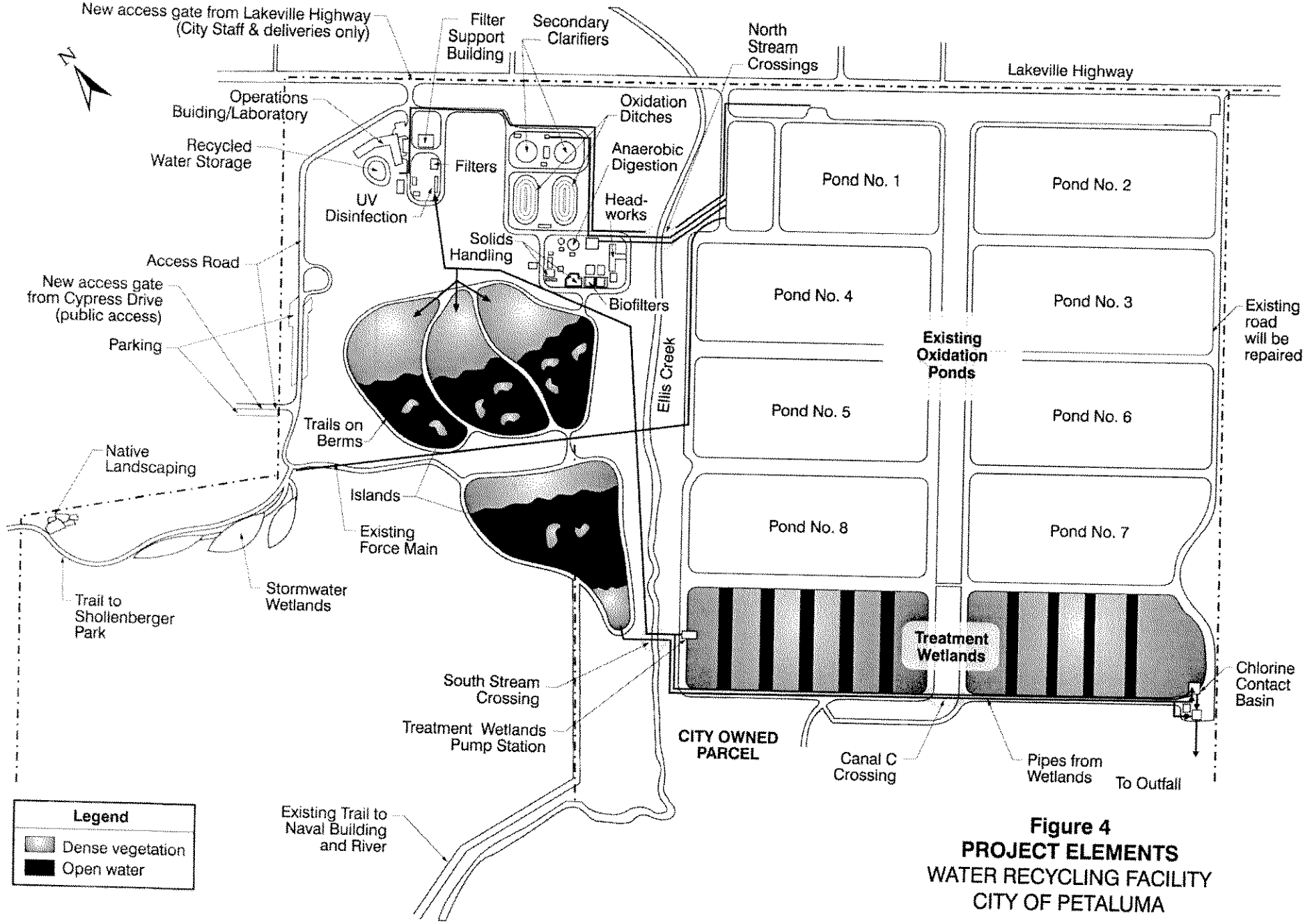

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Figure 4
PROJECT ELEMENTS
WATER RECYCLING FACILITY
CITY OF PETALUMA

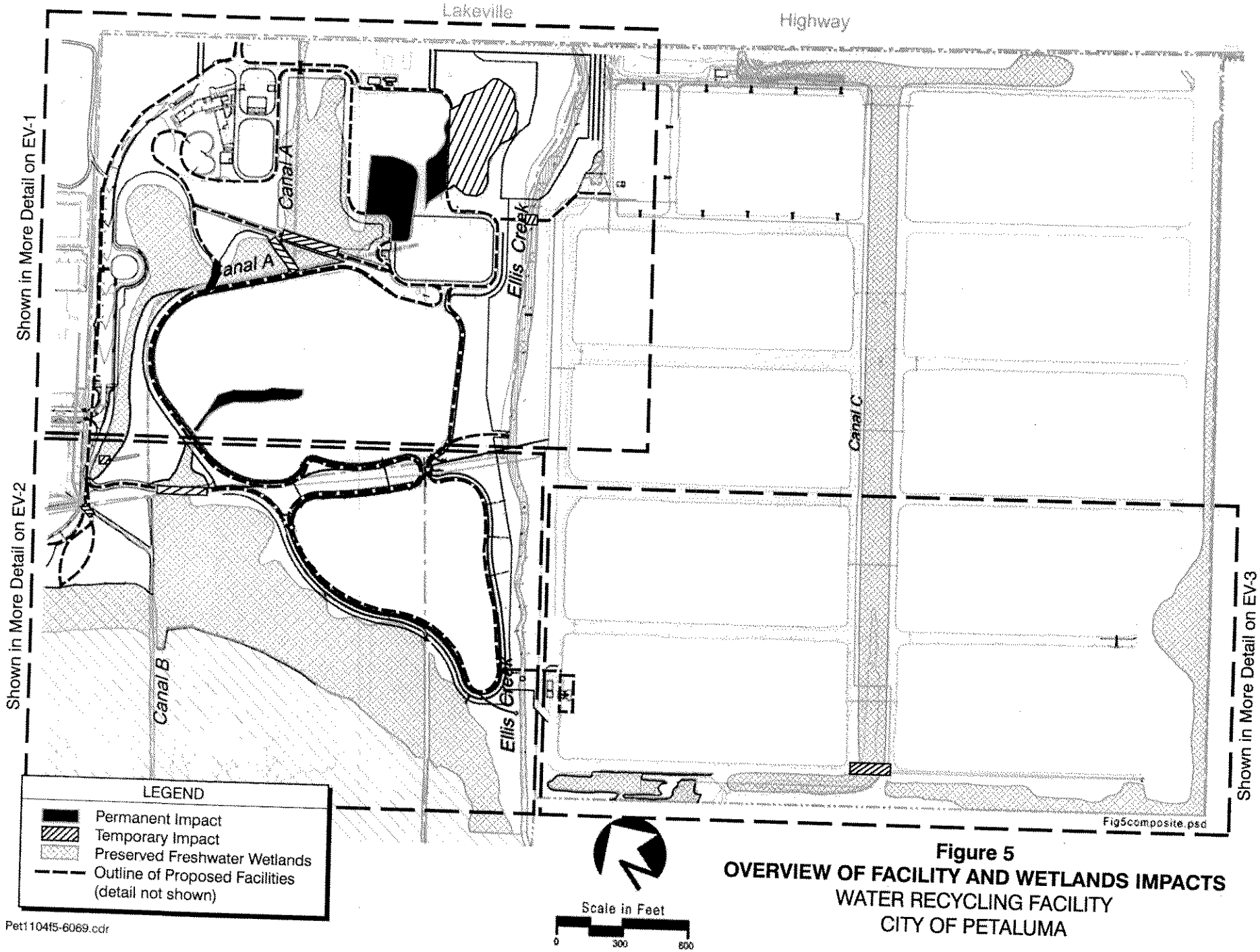
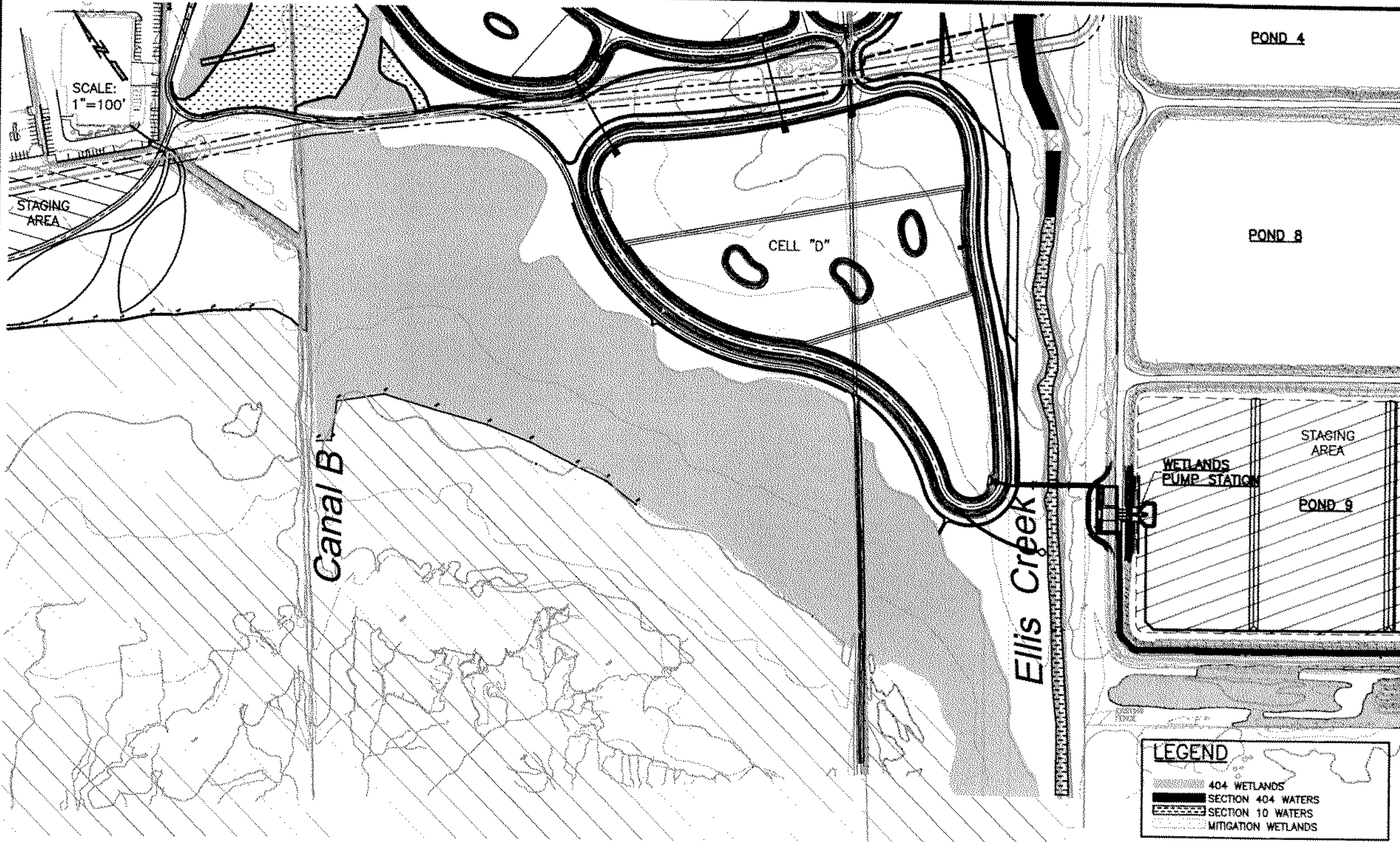


Figure 5
OVERVIEW OF FACILITY AND WETLANDS IMPACTS
WATER RECYCLING FACILITY
CITY OF PETALUMA



REV	DATE	BY	DESCRIPTION

100% SUBMITTAL
NOT FOR CONSTRUCTION

DESIGNED RAH
DRAWN RAH
CHECKED
DATE SEPT 2004

DISCIPLINE ENGINEER

PROJECT ENGINEER

PARTNER

carollo engineers

CITY OF PETALUMA
ELLIS CREEK WATER RECYCLING FACILITY
CIVIL
PERMITTING
PARTIAL PLAN

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING
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IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

JOB NO. 8008L10
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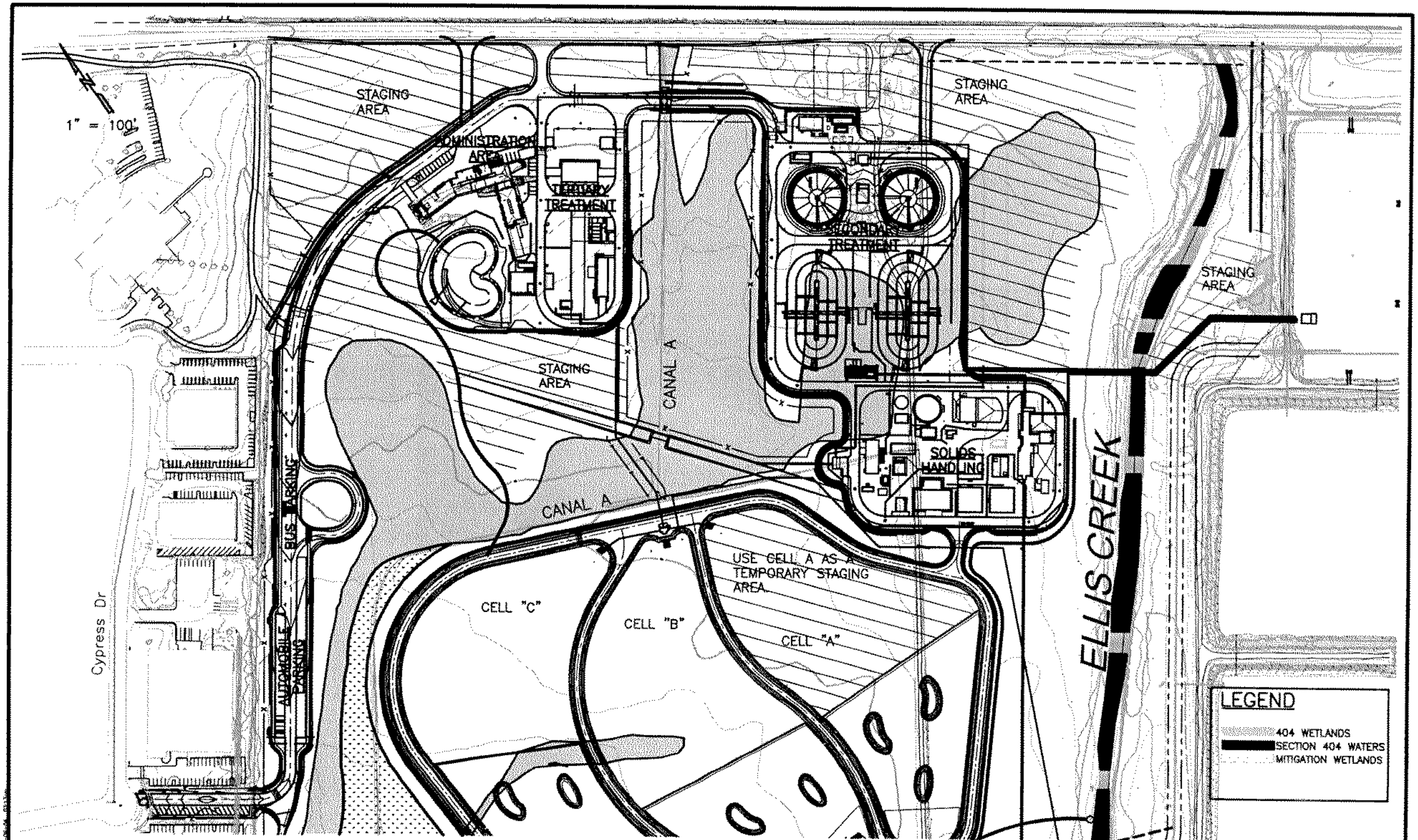
OF XXX



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DISCIPLINE ENGINEER | PROJECT ENGINEER | PARTNER

carollo engineers

CITY OF PETALUMA
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VERIFY SCALES
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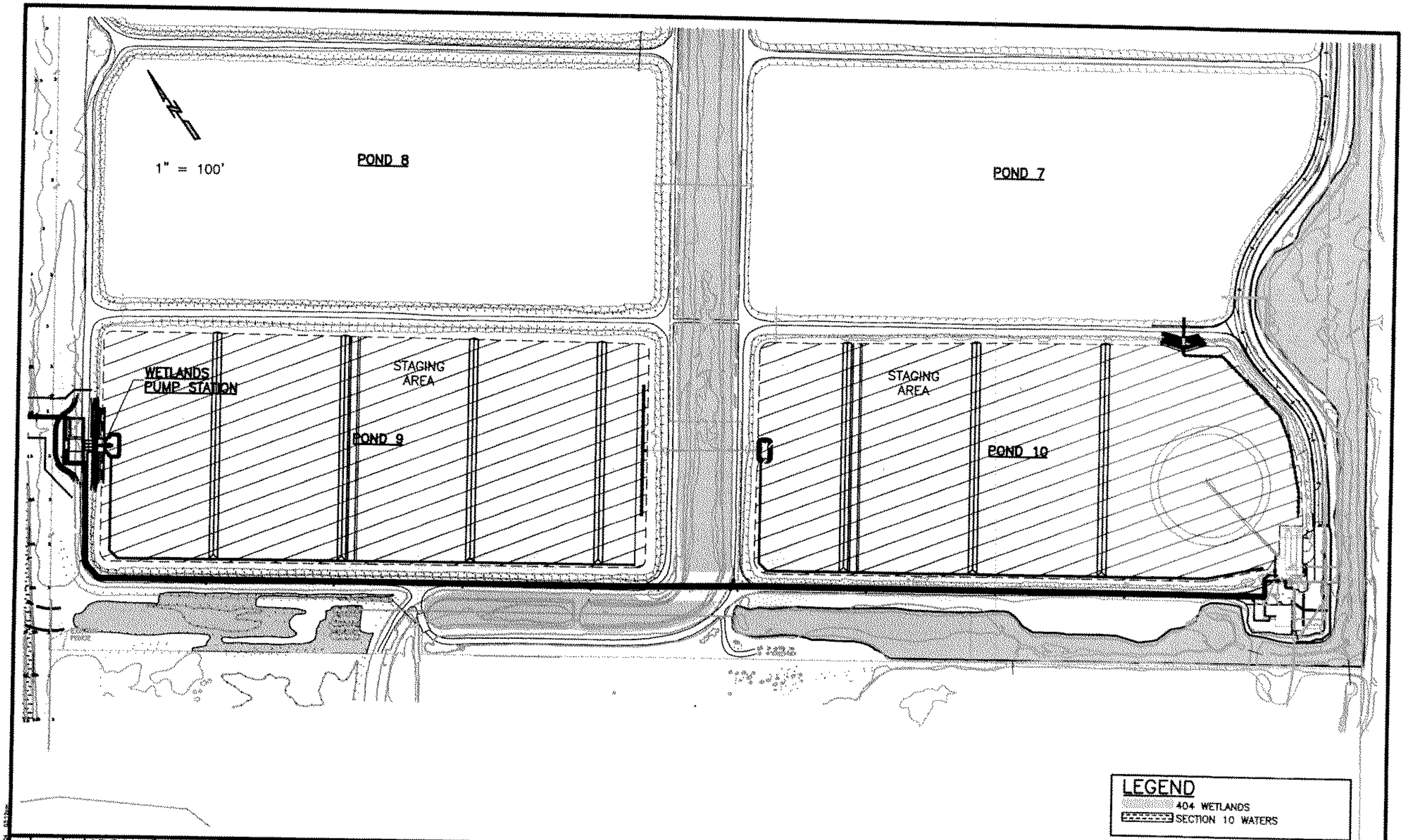

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DISCIPLINE ENGINEER

PROJECT ENGINEER

PARTNER

carollo engineers

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VERIFY SCALES
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OF XXX